

REMARKS

Claims 28-41 were pending. Claims 35 and 39 are amended herein. Claim 41 is cancelled without prejudice. Support for the amendments are found throughout the specification, and thus it is believed that no new matter is added. Claims 28-40 are pending. Claims 28-34 and 36-38 are allowed.

Applicants gratefully acknowledge the entry of the amendment filed December 3, 2004 and the acceptance of the terminal disclaimer.

Objection to the claims

The Examiner objects to claim 40, alleging that claim 40 depends upon a rejected base claim, but would be allowable if rewritten in independent form. Applicants traverse this objection.

Applicants respectfully submit that the underlying base claim is in allowable form, and thus the objection is rendered moot. Accordingly, the basis for the objection may be removed.

Rejection under 35 U.S.C. § 103 (a)

Claim 41 is rejected under 35 U.S.C. § 103 (a) as allegedly being unpatentable over WO 88/05784 in view of Wong et al., U.S. Patent No. 5,073,540, and U.S. Patent No. 5,478,925 for reasons of record. Claim 41 is also rejected under 35 U.S.C. § 103 (a) as allegedly being unpatentable over WO 88/05784 in view of U.S. Patent No. 6,419,931 for reasons of record. Applicants respectfully traverse these rejections.

Applicants submit that the peptide dimer of claim 41 is patentable over the cited combinations for reasons articulated in previous amendments. Nonetheless, in an effort to expedite the prosecution of the application, claim 41 is canceled herein without prejudice, rendering the rejection moot. Applicants expressly reserve the right to pursue the subject matter of the canceled claim in a related application.

Accordingly, the basis for this rejection may be removed.

Rejection under 35 U.S.C. § 112, first paragraph - written description

Claim 39 is rejected under 35 U.S.C. § 112, first paragraph as allegedly lacking sufficient written description. According to the Examiner, a generic statement such as a peptide

dimer that consists essentially of one of the recited SEQ ID NO is not sufficient written description of the claimed genus. Applicants traverse this rejection.

Applicants submit that the specification clearly indicates that the basic and novel characteristics of the novel compositions are, *i.e.*, a specific sequence is provided. The disclosure of this sequence in the specification demonstrates that Applicants had possession of the genus of claimed peptides and provide sufficient contours such that the person of ordinary skill in the art knows the metes and bounds of the claimed peptide genus. Nonetheless, Applicants amend the claims herein to clarify the claimed genus.

Accordingly, the basis for the rejection may be removed.

Rejection under 35 U.S.C. § 112, second paragraph

Claim 35 is rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. The Examiner asserts that the recitation of a “peptide-like compound” is indefinite. Applicants traverse this rejection.

Claim 35 is amended herein, rendering the rejection moot.

Accordingly, the basis for the rejection may be removed.

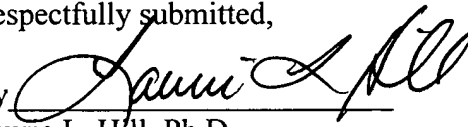
CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 286002020023. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: April 29, 2005

Respectfully submitted,

By 
Laurie L. Hill, Ph.D.

Registration No.: 51,804
MORRISON & FOERSTER LLP
3811 Valley Centre Drive
Suite 500
San Diego, California 92130-2332
(858) 720-7955